

Application No. 09/744,771
Amendment dated March 16, 2006
Reply to Office Action mailed December 16, 2005

REMARKS

The Office Action, mailed December 16, 2006, considered and rejected claims 42-101. Claims 78-95, 97-98 and 100 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (U.S. Patent No. 6,754,905) in view of Dunn et al. (U.S. Patent No. 6,356,664). Claims 78, 96 and 101 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hooper (U.S. Patent No. 5,422,674) in view of Dunn. Claims 42-57, 60-66, 71-77 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon in view of Dunn and further in view of Rangan (U.S. Patent No. 6,154,771). Claim 58 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon in view of Dunn in view of Rangan and further in view of Makur (U.S. Patent No. 4,963,030). Claim 59 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon in view of Rangan and further in view of Lee et al. (U.S. Patent No. 5,778,098). Claims 67-70 were rejected under 35 U.S.C. 103(a) over Gordon in view of Dunn in view of Rangan and further in view of Wolzcin (U.S. Patent No. 5,761,606). Claim 99 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. in view of Dunn et al. in view of Gu et al. (U.S. Patent No. 6,037,988).¹

By this paper, new claims 102 and 103 have been added. No other claims have been amended, added or cancelled, such that claims 42-103 remain pending of which claim 78 is the only independent claim at issue.²

¹ Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last office action, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

² Support for the various amendments is found in at least page 20, lines 25-31.

Application No. 09/744,771
Amendment "C" dated March 16, 2006
Reply to Office Action mailed December 16, 2005

As previously discussed, the present invention is directed to embodiments for personalizing a broadcast stream. The method recited in claim 78, for instance, includes various elements such as providing a broadcast video stream; personalizing the stream at a central distribution station and in a manner that reduces a visual quality of said provided video stream, wherein reducing the visual quality of the video stream includes using different compression parameters for different GUI display elements of a frame within the video stream, and such that standard GUI display elements of the frame are compressed to a lower quality than unknown GUI display elements of the frame, while adding personalized information, and wherein reducing the visual quality of the video stream further includes selecting modifiable parameters for performing compression on the broadcast stream, and wherein selection of the modifiable parameters is based at least in part on a prediction of future frames of the broadcast stream; and transmitting the personalized broadcast stream to the user system using a compressed video transport.

The present claims were distinguished from the cited art during a previous in person interview. Nevertheless, it appears as though the same art is being used to reject the independent claims. Applicants respectfully submit, however, that the cited art of record neither anticipates nor makes obvious the claimed invention as recited in the pending claims. In particular, among other things, the cited art does not teach or suggest a method for personalizing a broadcast stream that includes selecting modifiable parameters for performing compression on the broadcast stream, and wherein selection of the modifiable parameters is based at least in part on a prediction of future frames of the broadcast stream.

In the last rejection the Examiner cites to Gordon (Col. 1, ll. 33-47 and Col. 23, ll. 57-67) as purportedly teaching the foregoing claim element. It will be noted, however, that the

Application No. 09/744,771
Amendment "C" dated March 16, 2006
Reply to Office Action mailed December 16, 2005

~~modifiable~~ parameters are selected to reduce the visual quality of the video stream and that the selection of the modifiable parameters is based on a prediction of future frames of the broadcast stream. The cited disclosure in Gordon, however, merely indicates that MPEG type processing systems include prediction-based compression (Col. 1, ll. 33-47) and that the bitrate of streams can be adapted to maximize or minimize quality levels of the data being compressed. (Col. 23, ln. 63 thru Col. 24, ln. 6). This disclosure falls short, however, of teaching or even suggesting that compression parameters are selected according to a prediction of future frames of the broadcast stream, as recited in claim 78, particularly when considering that the prediction of frames includes distinguishing between JPEG and MPEG data as part of the prediction to determine the selection of the modifiable parameters, as recited in claim 103. In fact, although Gordon indicates that prediction-based compression encoding is utilized by MPEG-like video processing systems, it is unclear how Gordon is using this terminology. At the very least, Gordon does not appear to suggest that this includes a prediction of future frames of the broadcast stream to determine a selection of modifiable parameters to reduce video quality, and particularly when this includes distinguishing between JPEG and MPEG data.

The cited art also does not appear to teach or suggest any such method wherein reducing the visual quality of the video stream includes using different compression parameters for different GUI display elements of a frame within the video stream, and such that standard GUI display elements of the frame are compressed to a lower quality than unknown GUI display elements of the frame. With regard to this claim element the rejection relies on Dunn (Col. 6, ll. 30-52). In particular, it was asserted that unimportant display elements of the frame are compressed to a lower quality than important display elements, analogous to Dunn's 'intruder' being more important than a known background image.

Application No. 09/744,771
Amendment "C" dated March 16, 2006
Reply to Office Action mailed December 16, 2005

Applicants respectfully submit, however, that the claims do not require that **unimportant** display elements are compressed to a lower quality than **important** display elements, as Dunn's disclosure appears to suggest. Instead, the claims require that the **known** display elements are compressed to a lower quality than the **unknown** display elements. In this regard, Dunn clearly appears to be lacking. In fact, Dunn actually appears to teach the opposite of the claims with regard to known and unknown display elements (even assuming faces and other display elements are comparable with the claimed GUI elements-as suggested by the Examiner). For example, in Col. 5, ll. 1-15, Dunn actually teaches that the known face of a celebrity will be sampled more frequently than unknown display elements (e.g. the crowd reactions) that are relatively unknown. Accordingly, it appears, at least in this embodiment, that Dunn teaches that **known** display elements are compressed to a higher quality than **unknown** display elements, which is completely opposite of what is claimed.

The foregoing claim element, when recited in combination with the other claim elements, is even more distinguishing when considering that the display elements are GUI elements such as GUI icons and menu bars, as recited in claim 102.

For at least the foregoing reasons, Applicants respectfully submit that the pending claims, as recited in the independent claims for example, are neither anticipated by or made obvious by the cited art of record. Accordingly, the remaining rejections of record are now moot, such that the dependent claims and rejections to the dependent claims do not need to be addressed at this time. Nevertheless, Applicants reserve the right to challenge the asserted rejections at a later time, including any official notice, as appropriate.

Application No. 09/744,771
Amendment "C" dated March 16, 2006
Reply to Office Action mailed December 16, 2005

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 16 day of March, 2006.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 44,803
JENS C. JENKINS
Attorneys for Applicant
Customer No. 047973